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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,801	08/29/2001	Yoshiro Yamaguchi	110491	4697
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DINH, DUC Q				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/940,801

Applicant(s)

YAMAGUCHI ET AL.

Examiner

Duc Q. Dinh

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C2)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's Election with traverse in the reply filed on January 22, 2008 is found persuasive. Accordingly, Claims 1-10 and 12-18 are considered for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8 and 10 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon, II et al. (U.S Patent No. 6,271,823) hereinafter Gordon 823, in view of Gordon, II et al. (U.S Patent No. 6,184,856), hereinafter, Gordon 856 and further in view of Oh-e et al. (U.S Patent No. 6,392,732).

In reference to claim 1, Gordon 823 discloses a reflective image display device (see abstract and col. 1, lines 13-16) comprising:

a display substrate (2) having first side and a second side;

a back substrate (4);

an electrode (20) formed on the lower side of the display substrate (2);

a spacer (24) for forming a gap between the display substrate and the back substrate;

two kinds of particles differing in polarity (10a, 10b) sealed between the display substrate (2) and the back substrate (4) [col. 2, lines 45-47 and col. 6, lines 64-66].

a filter (30, 32, 34) of plural colors (R, G, B) for transmitting light of a specific wavelength,

Gordon 856 discloses wherein the filter is formed on the second side of the (the filter elements may also be located on the front surface of the front window (2), i.e.: second side of the display substrate);

It would have been obvious for one of ordinary skill in the art at the time of the invention to change the location of the color filter in Gordon 823 to the second side of the substrate as suggested to a well known element, i.e. color filter, as suggested by Gordon 856 (see col. 6, lines 45-49 of Gordon 856).

The combination of Gordon 823 and 856 does not disclose wherein the filter is divided into plural chromatic regions and plural of achromatic, each of the achromatic regions being disposed between adjacent chromatic regions. Oh-e discloses a filter is divided into plural chromatic regions and plural of achromatic, each of the achromatic regions being disposed between adjacent chromatic regions and fully separate by the black matrix for a display in Fig. 1.

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify the filter of the combination Gordon 823 and Gordon 856 to have the filter is divided into plural chromatic regions and plural of achromatic, each of the achromatic regions being disposed between adjacent chromatic regions as taught by Oh-e because it would provide a display which is capable of providing a wide viewing angle and a high image quality without generating the smear phenomenon (col. 2, lines 27-29 of Oh-e)

In reference to claim 2, Gordon 823 discloses the two particles are white and black as claimed.

In reference to claims 3-4, Gordon 823 discloses two kinds of particles are respectively particles of which at least a surface is metal and black particles and having reflective and black particles. (see col. 5, lines 1-44; col. 7, lines 13-59)

In reference to claim 5, Gordon 823 discloses in Fig. 1 the substrate and the filter are integrated.

In reference to claim 6, Gordon 856 discloses the color filter medium can, for example, be a light-transmissive colored filter element, a colored light-reflecting panel, or the pigment suspension fluid itself can be colored and serve as the color filter medium (col.3, lines 35-40).

In reference to claim 7, Gordon 823 discloses the filter is divided into 3 regions for red, green, and blue colors (Fig. 1).

In reference to claim 8, Gordon 823 discloses the color filter is arranged in stripes (Fig. 1)

In reference in claim 10, Gordon 823 discloses the color filter medium selects the color reflected by each cell. The color filter medium can, for example, be a light-transmissive colored filter element disposed across the horizontal area of the cell, either above the suspension or below the suspension on top of the light-reflecting panel. An appropriately colored pigment suspension fluid, a colored light-reflecting panel, a color diffuser, or a painted surface can also serve as the color filter medium (col. 8, lines 8-18).

In reference to claim 12, Gordon 823 discloses the transparent achromatic wall 24 in Fig. 1 as claimed.

In reference to claim 13, Gordon 823 discloses electrodes 8 and 20 in Fig. 1 as claimed.

4. Claims 14-18 rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon 823, Gordon 856 in view of Oh-e as applied to claims 1-8, 10 and 12-13 and further in view of Comiskey (U. S. Patent No. 6,376,828).

In reference to claims 14 and 15, the combination of Gordon 823, Gordon 856 and Oh-e does not disclose the irradiating means for the display.

Comiskey discloses a front light for an electrophoretic display for emitting white light to the inside of the image display medium from the display substrate side of the image display medium (see Fig. 1).

It would have been obvious for one of ordinary skill in the art at the time of the invention was made to provide the light source to illuminate the display in the combination of Gordon 823, 856 and Oh-e as taught by Comiskey for lighting the display when ambient light decreases (col. 8, lines 15-20 of Comiskey).

In reference to claims 16-18, refer to the rejection as applied to claims 1 and 14-15. In addition, Comiskey discloses the light transmissive element 8 may comprise additional elements to enhance the versatility of the illuminated nonemissive electronic display 1.

In one embodiment of the invention, shown in FIG. 1, a light polarizing film 16 (corresponding to the spectral means) is provided adjacent first surface 8a to increase the uniformity of light passing through the second face 8b and reaching the viewer 20.

In another embodiment of the invention, a red/green/blue absorptive filter (not shown) is provided adjacent the first face 8a or second face 8b of the light transmissive element 8 to alter the wavelength of light passing through the first face 8a or second face 8b thereby creating a colored display (col. 6, line 62 – col. 7, line 6).

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon 823, Gordon 856, and Oh-e as applied to claims 1-8 above and further in view of Shirochi (U. S. Patent No. 5,872,654)

In reference to claim 9, the combination Gordon, Oh-e and Hou do not discloses the filter is on of the matrix mosaic type. Sherochi discloses color filters corresponding to three primary colors are placed relative to each pixel and the same color pixels are arranged having the mosaic type as claimed.

It would have been obvious for one of ordinary skill in the art at the time of the invention was made to learn the teaching of Shirochi, i.e., color filters corresponding to three primary colors are placed relative to each pixel and the same color pixels are arranged having the mosaic pattern for providing a display device in which the diffusion for more than three pixels can be easily obtained (col. 2, lines 34-37 of Shirochi).

Response to Arguments

6. Applicant's arguments with respect to claims 1-10 and 12-18 have been considered but are moot in view of the new ground(s) of rejection.

7. In response to applicant's argument that Gordon and Oh-e is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Gordon 823 and Gordon 856 and Oh-e use filter of plural colors for transmitting light of different colors for a display device; therefore, it would have been obvious for one of ordinary skill in the art at the time of the

invention to modify the filter of the combination of Gordons' references to provide a display which is capable of providing a wide viewing angle and a high image quality without generating the smear phenomenon (col. 2, lines 27-29 of Oh-e).

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Duc Q. Dinh** whose telephone number is **(571) 272-7686**. The examiner can normally be reached on Mon-Fri from 8:00.AM-4:00.PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **RICHARD HJERPE** can be reached on **(571)272-7691**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(571) 273-8300 (for Technology Center 2600 only)

Hand-delivery response should be brought to: Crystal Park II, 2121 Crystal Drive,
Arlington, Va Sixth Floor (Receptionist)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 305-4700.

/Duc Q Dinh/
Primary Examiner, Art Unit 2629